

**MINUTES OF MEETING
HERITAGE OAK PARK
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Heritage Oak Park Community Development District was held on Thursday, September 17, 2009 at 10:00 a.m. at the Heritage Oak Park Lodge, 19520 Heritage Oak Boulevard, Port Charlotte, Florida.

Present and constituting a quorum were:

Olin Earl Bell	Chairman
David C. Davis	Vice Chairman
Julia McIntyre	Assistant Secretary
Douglas P. Blake	Assistant Secretary
Betty Keller	Assistant Secretary

Also present were:

Cal Teague	District Manager
Kim Ueding	Property Manager
Michael Bell	District Engineer
Several Residents	

The following is a summary of the minutes and actions taken at the September 17, 2009 meeting of the Heritage Oak Park Community Development District Board of Supervisors.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Bell called the meeting to order and Mr. Teague called the roll.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Audience Comments

- Al Jordan thanked the Board on behalf of the residents in the Park and Waters Edge Villas, in particular, for working on issues related to the lake, the edge of the lake, weeds between the lake and the sidewalk.

FOURTH ORDER OF BUSINESS

Approval of Agenda and Consent Agenda

- Per the Chairman’s request the following items were added to the agenda:
6D Telephone System Consideration; 6E Exterior Painting Contract; 6F Security System Consideration.

On MOTION by Ms. McIntyre seconded by Mr. Blake with all in favor the agenda and consent agenda was approved.

Consent Agenda Items:

A. Approval of the Minutes of the July 30, 2009 continued meeting, August 6, 2009 continued meeting and August 20, 2009 meeting

- Mr. Bell stated each Board member received a copy of the minutes of the above meetings and requested any corrections, additions or deletions.

On MOTION by Mr. Davis seconded by Ms. Keller with all in favor the minutes of the July 30, 2009 continued meeting were approved.

On MOTION by Mr. Davis seconded by Ms. Keller with all in favor the minutes of the August 6, 2009 continued meeting were approved.

- Corrections were made to the August 20, 2009 minutes and will be incorporated into those minutes.

On MOTION by Ms. McIntyre seconded by Mr. Blake with all in favor the minutes of the August 20, 2009 meeting were approved as amended.

FIFTH ORDER OF BUSINESS

Old Business

A. Update on Maintenance Garage Project

- Mr. Blake updated the Board on the maintenance garage project. Construction is beginning ahead of schedule; completion date will be around November 16, 2009.

B. Update on Drainage Improvements

- The District Engineer gave an update on the drainage improvement project. The agreement between Stevens and Layton was negotiated and executed. Areas A, B

and C will be done without the underdrain. A pre-construction meeting with Stevens and Layton and Mr. Teague will be held prior to the start of construction.

- The Engineer noted because of construction phase services in the drain improvements there needs to be an amendment to their contract in an amount not-to-exceed \$2,500.

On MOTION by Ms. McIntyre seconded by Mr. Blake with all in favor the Board authorized the District Manager to sign a contract in an amount not-to-exceed \$2,500 for engineering services with Wilson Miller in connection with the drainage improvement project.

SIXTH ORDER OF BUSINESS

New Business

A. Lake Management Proposals and Aerator Discussion

- The Chairman asked the Board to review a quote from Mainscape for cleaning the area between the sidewalks and the lake at a cost of \$1,200.
- Mr. Blake questioned the contract and why we are getting an additional quote and wanted clarification from Mainscape.
- Some Board members voiced dissatisfaction with the job Mainscape is performing.
- Mr. Blake noted if it is determined Mainscape needs an additional contract, he wanted to give the Chairman the authority to approve the contract following the review of the existing contract.

Mr. Blake MOVED to authorize the Chairman to negotiate this contract with Mainscape eliminating any duplication of charges that appear to be in the proposal and move forward with getting the lake cleaned up and Ms. Keller seconded the motion.

- The Chairman will question Mainscape on Item #4 of their proposal, namely, “string trim all weeds below 6 inches”.

On VOICE vote with all in favor the prior motion was approved.

- The Chairman will contact Mainscape today and get back to Mr. Teague with results in order for him to notify the rest of the Board.
- The Lake Masters proposal was a total replacement of the prior contract.
- Mr. Teague recommended Lake Masters noting they are the largest firm in Florida. Bill Kurth, the Project Manager for southwest Florida, is very responsive and would provide management reports to the Board as often as wanted.
- Mr. Blake asked whether there are penalties if the current contract with Aquagenix is cancelled.

Ms. McIntyre MOVED to hire Lake Masters to maintain the lake and Ms. Keller seconded the motion.

- Mr. Teague noted two motions should be made; one giving 30 days termination notice to the current contractor and the other to hire Lake Masters and enter into a contract with them.

Ms. McIntyre MOVED to amend the prior motion to add a clause to terminate the existing contract with Aquagenix and give them 30 days termination notice at the same time we hire Lake Masters per the contract they submitted and Ms. Keller seconded the motion.

- It was noted in the new contract with Lake Masters they charge a one-time start up fee of \$150 and \$200 per month maintenance. Mr. Davis inquired whether they will take over the lake immediately, totally clean it up and maintain the lake at that price.
- Ms. Ueding noted they would clean up for \$150 and then charge \$200 per month, which is not unusual for any lake contractor to do.

On VOICE vote with all in favor the amended motion was approved.

- The Chairman noted we will now return to the original motion.

On VOICE vote with all in favor the original motion to hire Lake Masters was approved.

- Ms. Keller suggested that it would be wise to place signs around the lake stating, “Beware of Alligators” for liability purposes.
- Mr. Teague noted in other districts they have signs reading, “Do Not Feed the Alligators”. Similar signs can be made and installed here.
- Ms. McIntyre was not in favor of having signs around the lake because then they would be needed around the canals and anywhere else where water stands.
- There was a question about liability if a child or someone was attacked.
- Mr. Teague noted a public entity can always be sued, but there are limits. You are not liable for anything over \$200,000 for sovereign immunity. You are protected as far as the amount of exposure. He noted once an alligator becomes too large, they need to be removed and, at no charge, they can be.
- Mr. Teague pointed out oxygen needs to be introduced into the lake. He offered to get proposals for aerators and bring them to the next Board meeting.
- The Board asked if there was the possibility to tie the aerators into the District’s existing pump system.
- Mr. Teague will look into the feasibility for that and try to get three proposals.

B. Pool Maintenance Contracts and Addressing Black Algae Issue

- The algae situation especially concerns those who use the pool on a daily basis.
- Mr. Blake did not think the Board wants to get into resurfacing at this time.
- Ms. McIntyre noted we can put aside resurfacing for a year or two and thought the Board should focus on maintenance and algae. She noted at the previous meeting three quotes were presented for different methods of treating algae and the Board asked for more information. Another company offered a fourth method of handling black algae; they proposed power washing the pool while it is full of water. They did not have a quote ready for today’s meeting.
- Mr. Blake noted at the last meeting, we directed Ms. Ueding to contact Pool Pros and she did.

- The Chairman spoke to the same contractor as Ms. McIntyre and was disappointed their proposal was not available today.
- More detailed specifications are to be developed and bids will be presented at the next meeting to address black algae and other maintenance needs.
- Ms. Keller noted she and the Property Manager reviewed the existing pool rules and found it lacking in clarity on some behaviors at the pool. The following suggested changes were made:
 - Guests must be accompanied by a resident.
 - Children under 16 years of age must have adult supervision.
 - No running or jumping in the pool area.
 - No roughhousing.
 - No yelling or screaming in the pool area.
 - No toys or balls allowed in the pool.
- Some objections were made to the above and then it was decided no toys or balls should be changed to water toys would be allowed.
- It was asked if the pool rules are changed, will a public hearing be necessary.
- Mr. Teague thought not, but would ask the District Attorney for his opinion.
- The Board discussed how the rules can be enforced. Signs can be put up.
- This item will be tabled until after we have a security system discussion.

C. Sports Bar Awning

- Two proposals were received for the sports bar awning. One from Sun State Awnings charging \$485 and D&D Awnings charging \$682.

On MOTION by Ms. McIntyre seconded by Mr. Blake with all in favor the contract with Sun State Awnings, Inc. to replace the fitness room awning at a cost of \$485 was approved.

D. Telephone System Consideration

- The Chairman thanked Marsha Bitgood on the comprehensive research and report for the Telephone Network and System Recommendations.
- The Board reviewed Ms. Bitgood's thorough report.

- Mr. Blake agreed with Ms. Bitgood's conclusion that EMBARQ is the way to go.
- Will the Board and the Property Manager be satisfied with the speed of DSL as opposed to Comcast High Speed.

On MOTION by Ms. McIntyre seconded by Mr. Blake with all in favor the Board accepted the recommendations of Marsha Bitgood and authorized the purchase from B&B Telephone Systems, Inc. of the new telephone switching system at a cost of \$3,485.

On MOTION by Ms. McIntyre seconded by Mr. Blake with all in favor the Board accepted the recommendations of Marsha Bitgood and authorized the telephone service for voice and internet through EMBARQ at a cost of \$4,432.20 per year and proceed to finalize a contract with EMBARQ.

E. Exterior Painting Contract Pool Maintenance Contracts and Addressing Black Algae Issue

- Ms. McIntyre noted she heard the Property Manager state the exterior painting cannot be started until January 1, 2010. She was under the impression the exterior painting would immediately follow the interior painting.
- The Chairman requested Ms. Ueding and Ms. McIntyre negotiate an earlier starting date with the contractor and ask when a completion date can be expected.
- Ms. Ueding noted the contractor completed the interior painting except for the Lodge, which will begin Monday, September 21st. It should be completed in two weeks.
- What was the Board's decision on the option for the perimeter wall. It was noted the Board had earlier determined it should not be part of the contract at this time. In that case, it will be removed from the Peacock Painting contract.

Ms. McIntyre MOVED to accept the contract for exterior painting of the buildings owned by the CDD and Mr. Blake seconded the motion.

- The Board discussed the reason for separating the contracts for painting the interior and the exterior of the buildings.

On VOICE vote with all in favor the prior motion was approved.

F. Security System Considerations

- The Board discussed acquiring a new security system to include security at the clubhouse, the front gate and back gate, security cameras, monitors and installation.
- The Chairman wanted the security system to include all buildings, not just the clubhouse.
- The Chairman reviewed a proposal from PC Security Systems which included equipment and installation at the clubhouse; the front gate and the back gate at a price of \$13,500.
- Mr. Teague noted we could prepare specifications with a plan for bidding for the next Board meeting.
- Ms. Keller will serve as the liaison for this project.
- The Chairman discussed American Wireless Alarm who quoted a price of \$12,970.

SEVENTH ORDER OF BUSINESS

Engineer's Report

There not being any, the next followed.

EIGHTH ORDER OF BUSINESS

**Community Development District
Planning Committee**

A. Minutes of the September 1, 2009 Planning Committee Meeting

- Ms. McIntyre discussed the renovation of the bocce courts and a proposal from Nidy Sports Construction. Nidy also gave an estimate of \$8,300 to do the tennis courts renovation.
- She noted the Planning Committee is getting into capital records management for the capital assets, maintenance planning and scheduling. In order to do this, they are making a list of all major capital assets of the CDD.
- The goal when completed is to have better records of all District major assets and preventive maintenance on those assets.

- The Board discussed the Reserves Fund, Designated Reserves, and Undesignated Reserves.

NINTH ORDER OF BUSINESS

Supervisor/Committee Reports

- The Board returned to the issue of the bocce courts.
- The Chairman explained the work needed on the bocce courts and the proposal by Nidy, namely, removing the existing wood curbs; grinding and patching inside of the concrete curb, as needed; and installing new Trex composite wood curbs, to be fastened with fasteners and construction adhesives.

Mr. Blake MOVED to approve the proposal by Nidy Sports Construction in the amount of \$5,148 and proceed as soon as possible.

- Ms. McIntyre noted the price of \$5,148 covers Option No. 1 and wondered if the motion Mr. Blake offered also includes the removal of loose material from the surface of both bocce courts using Har-Tru material.
- Mr. Blake withdrew his prior motion due to the failure of a second. His new motion follows:

On MOTION by Mr. Blake seconded by Mr. Davis with all in favor the Board approved proceeding with the Nidy Sports Construction proposal for work on the bocce courts as identified in the proposal for a total of \$6,600.

- Ms. McIntyre requested approval for a \$101.86 contribution to the Beautification Committee for work on CDD property in the Villa 4 neighborhood.

On MOTION by Ms. Keller seconded by Mr. Blake with all in favor the Board approved a contribution of \$101.86 for the beautification in the Villa 4 neighborhood.

- Ms. Keller voiced concerns that office hours are not meeting the needs of the residents. She preferred office hours be set from 8:00 a.m. to 4:00 p.m. Currently, they are 7:00 a.m. to 2:30 p.m.

- Ms. Ueding will report back on the office hours with a recommendation on how to make more hours available.

TENTH ORDER OF BUSINESS

Manager's Report

A. Approval of Financial Statements and Check Register

- Mr. Teague asked for questions or comments on the financial statements.
- Ms. McIntyre noted we are receiving almost no interest on investments. In our Debt Service Fund, there is no interest at all.
- Mr. Teague noted we do not invest Debt Service Funds, the trustee does. We are looking at other available options, but have not found anything yet.

On MOTION by Ms. McIntyre seconded by Mr. Blake with all in favor the financial statements and check register for the period ending August 31, 2009 were accepted.

- Mr. Teague updated the Board on the District logo indicating a check has been sent to the proper authorities for two trademarks which were registered with the State of Florida only.

ELEVENTH ORDER OF BUSINESS

Attorney's Report

- The Attorney's Report included the above regarding the logo.

TWELFTH ORDER OF BUSINESS

Property Manager's Report

A. Update on Miscellaneous Activities

- Ms. Ueding had nothing further to report.

THIRTEENTH ORDER OF BUSINESS

HOP Community Association Report

- Ms. Rask gave her report on HOPCA.
- Ms. McIntyre reminded everyone of the change in date of the next meeting of the Planning Committee. It is scheduled for 7:00 p.m. on Tuesday, September 29, 2009, one week earlier than when usually held.

FOURTEENTH ORDER OF BUSINESS

Supervisor Requests

- Mr. Blake noted when we cleaned out the office in preparation of the move there was an old Dell Tower computer with a manufacturing date of 2003. He requested the computer be declared obsolete and be able to donate it to a charitable organization.

On MOTION by Ms. McIntyre seconded by Mr. Blake with all in favor the Board declared this Dell computer obsolete with no value and will be donated to a charitable organization.

- The Chairman asked that two items be placed on the next agenda: (1) Supervisor compensation and (2) the CDD website.

FIFTEENTH ORDER OF BUSINESS

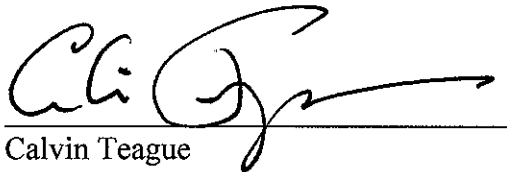
Audience Comments

There not being any, the next item followed.

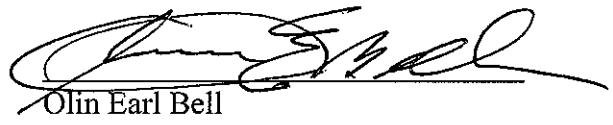
SIXTEENTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting was adjourned at 1:45 p.m.



Calvin Teague
Secretary



Olin Earl Bell
Chairman